

REMARKS

In the Office Action dated September 9, 2004, the Examiner provides a number of objections and rejections. Each of these issues will be separately addressed in the same order as addressed by the Office Action.

Specification

The Office Action observed a number of informalities related to the specification. Specifically, Paragraphs 11, 13, 18, 20, 21, 22, and 27 were observed having informalities. The enclosed amendments to the specification address each of these informalities and adopts the recommended language provided by the Examiner, where provided.

Drawings

The Office Action observes that a reference character was not mentioned in the description, namely, 206 in Figure 7 while reference numerals 146 and 178 were provided in the description without such reference in any of the drawings. Proposed replacement drawing sheets are provided to address the informalities for numerals **146** and **178**. Reference character **206** was added to the specification in paragraph 35 where it was inadvertently omitted.

Claim Rejections

Claim 11, line 1, has been objected to for an informality. Specifically, after "two" the word - - the - - should have been inserted as observed by the Examiner. This correction has been made in the enclosed amendment.

Anticipation Rejections

Claims 1-10, 12, 14, 15 and 17-20 were rejected as being anticipated by Taylor, U.S. Patent No. 5,976,171. Taylor discloses a retractor having first and second arms each having

first, second and third segments. The second segment is shown hinged relative to the first and third segments. The second segment has a “Y shape” at the end of the middle segment which forms a yoke which receives an end of the third segment. It is one of the legs of the “Y” that the Examiner has held constitutes meets the limitations of many of the claims as originally filed.

Independent claims 1 and 8 have been amended to require that the angling of the middle segment toward the first arm laterally displaces the third segment relative to the first segment. This limitation is not met by the Taylor reference. Although the leg of the “Y” of the yoke points towards the other arm, it does not displace the third segment towards the other arm. Accordingly, as effected by the enclosed amendment, claims 1-11 are now believed to be allowable.

As it relates to claims 12, 14, 15 and 17-20, the Examiner has made an excellent rejection based on Figure 16 of the Taylor reference. Accordingly, in the enclosed amendment, claim 12 has been amended to require that at least one of the first and second arms have first, second and third segments with the third segment laterally displaced towards the other arm. This limitation is not found in Taylor or it is not believed to be in the other cited references either.

Obviousness Rejections

Claim 11 is rejected as being obvious over Taylor in view of Farley. Farley shows a retractor with two arms that are both moveable relative to a rack. The applicant would agree that this could be a proper obviousness rejection except that neither Taylor nor the other references teach the angling of the middle segment to laterally displace the third segment

relative to the first segment as has been clarified through the enclosed amendment.

Accordingly, claim 1 is believed to be allowable as well.

Claim 13 has been rejected as being obvious over Taylor. Claim 13 stands or falls with amended claim 12.

Claim 16 has been rejected as being unpatentable over Taylor in view of Wright et al., U.S. Patent No. 5,772,583. The applicant will agree that Wright et al. discloses a domed shaped frame. Nevertheless, claim 16 depends from amended claim 12 and is believed to be allowable for the rationale provided above as it relates to amended claim 12.

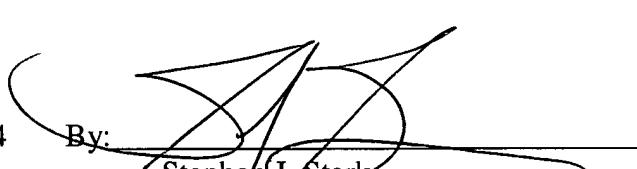
Conclusion

As affected by the enclosed amendment, claims 1-13 and 16-20 are now pending. No additional claims have been added and no additional independent claims have been created. Accordingly, no additional fees are believed to be due with this response.

Respectfully submitted,

Date: December 8, 2004

By:


Stephen L. Stark
Attorney for Applicant
MILLER & MARTIN LLP
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756.6600

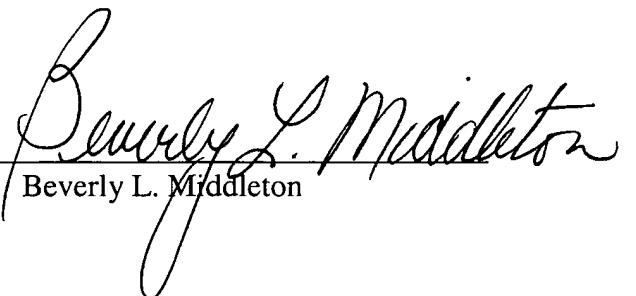
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

on this 8th day of December, 2004.

By:


Beverly L. Middleton